

**REMARKS**

The above-referenced patent application has been reviewed in light of the Office Action, dated January 11<sup>th</sup>, 2005, in which: the specification is objected to for various informalities; claims 13 and 16 are objected to for various informalities; claims 1, 3-5 and 7-29 are rejected under 35 U.S.C 102(b) as being anticipated by Petrick et al. (U.S. Patent No. 6,404,852, hereinafter "*Petrick*"); claims 1, 12, 16, 20 and 26 are rejected under 35 U.S.C 102(b) as being anticipated by He et al. (U.S. Patent No. 6,198,791, hereinafter "*He*"); claim 2 is rejected under 35 U.S.C 103(a) as being obvious over *Petrick* in view of *He*; claims 6 and 30 are rejected under 35 U.S.C 103(a) as being obvious over *Petrick* in view of Aufrichtig et al. (U.S. Patent No. 6,623,161, hereinafter "*Aufrichtig*"). Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 1-14, 16-18 and 20-30 are pending the above-referenced patent application. Claims 1, 4, 12, 13, 16, 20 and 26 have been amended, claims 15 and 19 have been cancelled, and no new claims have been added.

The Examiner has objected to the specification because of various informalities. Applicants have made amendments to correct inadvertent typographical errors noted by the Examiner. It is respectfully requested that the Examiner withdraw his objections. These corrections do not narrow claim scope or result in prosecution history estoppel. It is requested that the Examiner withdraw his objections.

The Examiner has objected to claims 13 and 16 for various informalities. Applicants have amended claims 13 and 16 to correct the informalities noted by the Examiner.

The Examiner has rejected claims 1, 3-5 and 7-29 under 35 U.S.C 102(b) as being anticipated by *Petrick*, and has additionally rejected claims 1, 12, 16, 20 and 26 under 35 U.S.C 102(b) as being anticipated by *He*. It is noted that claims 15 and 19 have been cancelled and claims 1, 4, 12, 13, 16, 20 and 26 have been amended. These rejections by the Examiner are respectfully traversed.

It is well-established that in order to establish a *prima facie* case of anticipation under section 102 of the patent statute, the Examiner must provide prior art document that meets each and every element and limitation of the rejected claim. Therefore, even if a single element or limitation is not met by the submitted document, then the Examiner has not succeeded in establishing a *prima facie* case.

Applicant begins with claim 1. Claim 1, as amended, recites:

"A method, comprising:

obtaining imaging data in a detector panel;

determining an area of interest for said panel, wherein said area of interest includes a portion of the obtained imaging data, wherein said panel comprises multiple pixel rows, said area of interest comprising more than two and less than all of said multiple pixel rows of said panel; and

reading at least a portion of said imaging data, wherein said portion comprises less than all the obtained imaging data and at least a portion of said data obtained in said determined area of interest."

Applicants respectfully submit that neither *Petrick* nor He disclose each and every element of claim 1, as amended, and, therefore, a *prima facie* case under 35 U.S.C. 102(e) has not been established. Applicants begin with *Petrick*. *Petrick* does not disclose obtaining imaging data in a detector panel, determining an area of interest for the panel, and reading less than all the obtained imaging data. *Petrick* discloses determining a "field of view", initiating a readout sequence of scan lines outside the field of view during the exposure time, such as to save time reading the entire detector by reading portions of the detector during the exposure time. *Petrick* does not show or describe reading less than all the obtained data, but, rather, reads all of the data in the detector but reads it in a particular sequence. Additionally, *Petrick* discloses determining a "field of view" prior to any obtaining of data, rather than determining an area of interest after data is obtained, as claimed in claim 1. Because *Petrick* teaches that all the data stored in the data panel is read, and a "field of view" is determined prior to any data obtaining, there are at least two material differences between what is disclosed in *Petrick* and what is recited in claim 1, as amended. Therefore, because there is at least one element missing from the cited patent, claim 1, as amended, is in a condition for allowance. Claims 3-5 and 7-11 depend from and include all limitations of claim 1, as amended. Therefore, it is

respectfully submitted that claims 3-5 and 7-11 are in a condition for allowance for at least the same reasons as claims 1, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

Claims 12-15 are in a condition for allowance for reasons similar to those presented with reference to claim 1, above. For example, referring to claim 12, *Petrick* does not show or describe reading less than all the obtained data, but, rather, reads all of the data but reads it in a particular sequence. Additionally, *Petrick* discloses determining a “field of view” prior to any obtaining of data, rather than determining an area of interest after data is obtained, as claimed in claim 12. Claims 13-15 depend from and include all limitations of claim 12, as amended. Therefore, these claims are in a condition for allowance for at least the same reasons as claim 12, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

Claims 16-18 are in a condition for allowance for reasons similar to those presented with reference to claim 1, above. For example, referring to claim 16, *Petrick* does not show or describe reading less than all the obtained data, but, rather, reads all of the data but reads it in a particular sequence. Additionally, *Petrick* discloses determining a “field of view” prior to any obtaining of data, rather than determining an area of interest after data is obtained, as claimed in claim 16. Claims 17 and 18 depend from and include all limitations of claim 16, as amended. Therefore, these claims are in a condition for allowance for at least the same reasons as claim 16, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

Claims 20-25 are in a condition for allowance for reasons similar to those presented with reference to claim 1, above. For example, referring to claim 20, *Petrick* does not show or describe reading less than all the obtained data, but, rather, reads all of the data but reads it in a particular sequence. Additionally, *Petrick* discloses determining a “field of view” prior to any obtaining of data, rather than determining an area of interest after data is obtained, as claimed in claim 20, as amended. Claims 21-25 depend from and include all limitations of claim 20, as amended. Therefore, these claims are in a condition for allowance for at least the same reasons as claim 20, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

Claims 26-29 are in a condition for allowance for reasons similar to those presented with reference to claim 1, above. For example, referring to claim 26, *Petrick* does not show or describe reading less than all the obtained data, but, rather, reads all of the data but reads it in a particular sequence. Additionally, *Petrick* discloses determining a "field of view" prior to any obtaining of data, rather than determining an area of interest after data is obtained, as claimed in claim 26, as amended. Claims 27-29 depend from and include all limitations of claim 26, as amended. Therefore, these claims are in a condition for allowance for at least the same reasons as claim 26, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

The Examiner has rejected claims 1, 12, 16, 20 and 26 under 35 U.S.C 102(b) as being anticipated by *He*. The rejection by the Examiner is respectfully traversed. It is noted that claims 1, 12, 16, 20 and 26 have been amended.

Beginning with claim 1, it is respectfully submitted that *He* does not show or describe all of the elements of claim 1, as amended. As just an example, *He* does not show or describe obtaining imaging data in a detector panel, determining an area of interest for the panel, and reading less than all the obtained imaging data, including at least a portion of the data obtained in the area of interest. *He*, by way of contrast, is related to scalable multislice imaging systems, and discloses a system for obtaining multiple views of a patient, and scaling the resolution of the obtained data to suit a particular use of the images. There is no mention in *He* of determining an area of interest in a panel, and reading less than all the obtained data. *He* describes selectively processing obtained data after the data is obtained, such as to produce desired images. All of the scaling and selectability is performed as post-processing, and during data acquisition there is no mention of determining an area of interest in a detector panel and reading less than all the data obtained in the panel. The sections cited by the Examiner describe functions performed during post-processing, and there appears to be no contemplation of altering the data acquisition process. Because *He* does not show or describe one or more of the elements of claim 1, as amended, there are material differences between what is disclosed in *He* and what is recited in claim 1, as amended. Therefore, because there is at least one element missing from the cited patent,

claim 1, as amended, is in a condition for allowance. Claims 12, 16, 20 and 26, as amended, contain limitations similar to claim 1, as amended. Therefore, it is respectfully submitted that claims 12, 16, 20 and 26 are in a condition for allowance for reasons similar to those presented above with reference to claim 1, as amended. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

The Examiner has rejected claim 2 under 35 U.S.C 103(a) as being unpatentable over *Petrick* in view of *He*, and has additionally rejected claims 6 and 30 under 35 U.S.C 103(a) as being unpatentable over *Petrick* in view of *Aufrichtig*.

It is well-established that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, a suggestion or motivation must be shown, either in the references themselves or in knowledge generally available to one of ordinary skill in the art, to modify a prior art reference or combine two or more prior art references. Second, a reasonable expectation of success in making this combination or modification must be shown. Third, it must be shown that the combination or modification, if proper, contains all of the elements of the application under examination. If any of these elements are not met, a successful *prima facie* case of obviousness has not been established.

It is respectfully submitted that *Petrick*, whether viewed alone or in combination with *He* or *Aufrichtig*, does not contain all of the elements of the rejected claims. However, Applicants do not by this argument accept that the combination is proper; rather, while Applicants assert that the combination is improper, Applicants further assert that even if the combination were proper, the combination would still fail to provide all the elements of the rejected claims. As just an example, neither *Petrick* nor *He* disclose reading less than all the obtained data imaging data, and determining an area of interest after data is obtained. *Petrick* shows and describes reading all of the imaging data, and determining a “field of view” prior to any obtaining of data.

Similarly, *Aufrichtig* does not show the elements lacking in *Petrick*, and, therefore, there is at least one element of the rejected claims not met by the combination of *Petrick* and *Aufrichtig*. Applicant additionally relies on arguments presented in support of the claims rejected under 35 U.S.C 102(b), above.

It is respectfully submitted, therefore, that at least one element of claims 2, 6 and 30 are absent from the cited art, and any alleged combination would still not result in a combination having each element of the rejected claim. Therefore, at least one prong of the three-prong test for obviousness has not been satisfied, and a *prima facie* case of obviousness under section 103 of the patent statute has not been made. It is, therefore, respectfully submitted that claims 2, 6 and 30 are in condition for allowance. It is therefore respectfully requested that the Examiner withdraw his rejection of these claims.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 640-6475. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3130.

Respectfully submitted,

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